CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571)273-8300 on November 3, 2005.

Loren D. Pearson

Loren Donald Pearson
Registration No. 42,987

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No.: 10/075,581 Confirmation No.: 9941

Applicant : Mag. W. Birnecker

Filed : February 14, 2002

Art Unit : 1744

Examiner : Krisanne Marie Jastrzab

Title : Process for Decontaminating an Enclosed Space

Docket No. : WCL-8069

Customer No.: 24131

R E S P O N S E

Mail Stop Fee Response
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner Jastrzab:

The following remarks respond to the Office action of June 3, 2005. Reconsideration of the application is requested. Claims 1-18 remain in the application.

In the third paragraph on page 2 of the above-identified Office Action, the Examiner rejected claims 1-4, 6-13, and 16

as being obvious over Larose et al., U.S. Patent No. 5,868,998 in view of Conners et al., U.S. Patent No. 6,086,833 under 35 U.S.C. § 103(a).

As will be explained below, the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references. Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a process including the following steps:

> providing a liquid contaminant neutralizing agent having a predetermined surface tension and viscosity,
>
> providing a source of carrier gas under a first pressure,
>
> providing a source of carrier gas under a second pressure greater than the first pressure,
>
> injecting said neutralizing agent into a stream of carrier gas under the first pressure, thereby generating a loaded stream of contaminant neutralizing agent and carrier gas,
>
> injecting a stream of carrier gas under the second pressure and the loaded stream into a venturi generator nozzle, thereby mixing the streams and generating a stream comprising carrier gas and particles of contaminant neutralizing agent having a predetermined particle size distribution,
>
> injecting the stream comprising carrier gas and particles of contaminant neutralizing agent into the enclosed space,

> causing particles of contaminant neutralizing agent to dwell in the enclosed space for a predetermined time, thereby decontaminating the enclosed space,
>
> and removing particles of contaminant neutralizing agent from the treated enclosed space. (Emphasis added by Applicant.)

Larose '998 in view of Conners '833 would not suggest to one with ordinary skill in the art the invention described in claim 1 of the instant application. Specifically, Larose '998 in view of Conners '833 fails to show a liquid agent dispersed in a carrier gas at a low pressure that is subsequently mixed with a carrier gas stream at a high pressure.

Conner '833 discloses a gaseous contaminant neutralizing agent (i.e. ozone) that is itself (as opposed to a carrier gas) at a low pressure. The ozone, because it is a gas, can be mixed with a carrier gas and then passed through a venturi to yield a homogeneous effluent. *See* col. 4, ll 2-12. In contrast, if a liquid agent as taught by Larose et al. were mixed directly with a carrier gas and passed though a venturi, the resulting effluent would be an unpredictable, heterogeneous mixture, with uncontrolled particle size.

To overcome the problems of producing a homogenous mixture by mixing a liquid agent and a carrier gas, the invention of the instant application teaches to first mix a liquid agent with a carrier gas at a low pressure to create a loaded stream

(Specification, page 17, lines 1-7). The loaded stream of agent and carrier gas at a low pressure is then mixed with a carrier agent at high pressure and then forced through a venturi to yield the narrow-particle-size dispersion, which is the object of the invention (Specification, page 17, lines 8-18).

Because Conners '833 does not teach a system that is compatible with liquid agents, one with ordinary skill in the art could not apply the liquid agent taught in Larose '998 to yield a narrow-particle-size distribution as taught by the invention. Furthermore, none of the cited prior art teaches mixing a carrier gas at a low temperature with a liquid agent to produce a loaded stream, which is in turn mixed with a high-pressure carrier gas stream.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1-18 are solicited. In the event the Examiner should still find any of the claims to be unpatentable, counsel would

appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for a small entity response within a period of two months pursuant to Section 1.136(a) in the amount of $225 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

LOREN DONALD PEARSON
Reg. No. 42,987
LERNER AND GREENBERG, P.A.
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101